Text consolidated by Valsts valodas centrs (State Language Centre) with amending laws of:

16 September 2010 [shall come into force on 19 October 2010;

22 March 2012 [shall come into force on 25 April 2012];

15 November 2012 [shall come into force on 1 January 2013];

4 October 2018 [shall come into force on 1 January 2019].

If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The *Saeima*1 has adopted and

the President has proclaimed the following law:

**Law on Disciplinary Liability of the Officials with Special Service Ranks Working in Institutions of the System of the Ministry of the Interior and the Latvian Prison Administration**

**Section 1. Purpose of the Law**

The purpose of this Law is to ensure timely, complete, comprehensive and objective investigation of the disciplinary offences committed by officials with special service ranks (hereinafter – the official) working in institutions of the system of the Ministry of the Interior and the Latvian Prison Administration (hereinafter – the Institution) and taking of a fair decision, and also compliance with the service discipline within the Institution.

[*16 September 2010]*

**Section 2. Scope of Application of this Law**

This Law prescribes the grounds for the disciplinary liability of the official, the types of disciplinary punishments, and the procedures by which issues of holding the official to disciplinary liability shall be decided.

**Section 2.1 Service Discipline**

(1) Within the Institution the service discipline shall be precise fulfilment of the procedures and requirements laid down in legal acts.

(2) The official shall comply with the service discipline and preclude its violations.

(3) The official to whom other officials are subordinated (hereinafter – the higher official) shall, according to his or her competence, ensure permanent control over the compliance with the service discipline within the Institution (structural unit), and also implementation of the relevant measures for the prevention of such deficiencies in the service which have led or may lead to violations of the service discipline by the subordinated officials.

(4) The higher official shall be held to disciplinary liability, if he or she has not ensured control over the compliance with the service discipline within the Institution (structural unit) subordinated to him or her, and also implementation of the measures within his or her competence for the prevention of such deficiencies in the service which have led or may lead to violations of the service discipline by the subordinated officials within the Institution (structural unit).

(5) The official has an obligation to refrain another official from violating the service discipline by implementing measures for termination of the violation, and also to inform the higher official, without delay, on the committed violation of the service discipline.

(6) Other officials of the respective structural unit shall be informed on the disciplinary punishment imposed on the officials.

[*16 September 2010; 22 March 2012*]

**Section 3. Disciplinary Offence**

(1) An act which has been performed deliberately (intentionally) or through negligence by the official, or failure to act related to the fulfilment of his or her service duties and manifesting itself as non-compliance with the procedures and requirements laid down in the legal acts, shall be recognised as a disciplinary offence.

(2) An act or failure to act of an official that is not related to the fulfilment of his or her service duties, but discredits the institution and undermines the confidence in public administration, shall also be recognised as a disciplinary offence.

(3) Holding of the official to disciplinary liability shall not preclude his or her civil liability, administrative liability, or criminal liability.

[*16 September 2010*]

**Section 4. Burden of Proof**

(1) No one shall be found guilty of committing a disciplinary offence and be punished while his or her guilt is not proven in accordance with the procedures laid down in law.

(2) The obligation to prove the guilt of the official shall lie with the Institution.

(3) If necessary, the Institution may carry out an inspection to determine the official against whom the disciplinary matter should be brought, and also the facts necessary for the initiation of the disciplinary matter.

(4) Any official who possesses information on the circumstances to be determined in the disciplinary matter has an obligation to cooperate with the person investigating the disciplinary matter and, upon request of a competent official of the Institution, to provide the information in his or her possession without delay.

[*16 September 2010*]

**Section 5. Acts of Extreme Necessity**

The official shall not be held to disciplinary liability if he or she has been in a state of extreme necessity, i.e., he or she has performed acts that were necessary to prevent hazards imminent to the State or public order, property, personal rights and freedoms or specific administrative order, and in the specific circumstances these could not be prevented by other means, and also the harm caused is lesser than the harm prevented.

**Section 6. Justifiable Professional Risk**

The professional risk shall be justifiable, and the official shall not be held to disciplinary liability if he or she has acted to achieve an important societal objective which could not be achieved in another manner, and if the official who allowed the risk has done everything to prevent harm to legally protected interests.

**Section 7. Form of Guilt**

(1) The official who has committed a disciplinary offence deliberately (intentionally) or through negligence shall be found guilty of a disciplinary offence.

(2) A disciplinary offence shall be recognised as deliberately (intentionally) committed if the official who committed it has been aware of the unlawful nature of his or her actions, has foreseen its harmful consequences, and has wished or knowingly permitted the setting in of such consequences.

(3) A disciplinary offence shall be recognised as committed through negligence if the official who committed it has foreseen the possibility of the setting in of the harmful consequences of his or her actions, but has relied on them not setting in or being able to prevent them, or has not foreseen the possibility of the setting in of such consequences, although they should have been and the official could have foreseen them in the specific circumstances.

**Section 8. Control of the Legality and Usefulness**

The higher institution and the higher official shall control whether holding of the official to disciplinary liability is legal and useful. In accordance with the procedures stipulated respectively by the Minister for the Interior or the Minister for Justice (hereinafter – the respective Minister), the higher institution and the higher official are entitled, upon their own initiative, to examine the decision to impose a disciplinary punishment.

**Section 9. Circumstances Mitigating the Liability for a Disciplinary Offence**

(1) The following circumstances shall mitigate the liability for a disciplinary offence:

1) the official has, upon his or her own initiative, eliminated the consequences of the disciplinary offence, has voluntarily compensated the losses incurred or eliminated the harm;

2) the official has voluntarily admitted to committing the disciplinary offence before it was discovered.

(2) Other circumstances which are not referred to in this Law may also be recognised as mitigating the liability.

**Section 10. Circumstances Aggravating the Liability for a Disciplinary Offence**

(1) The following circumstances shall aggravate the liability for a disciplinary offence:

1) the official has continued the performance of unlawful actions without considering the request for the termination thereof;

2) the State or a person has suffered substantial property loss or substantial harm due to the disciplinary offence committed intentionally by the official;

3) the official has committed the disciplinary offence by using a natural disaster or other extraordinary circumstances;

4) the official has committed the disciplinary offence when he or she has already been disciplinary punished;

5) the official has committed the disciplinary offence while being under the influence of alcohol, narcotic, psychotropic, toxic or other intoxicating substances, or the official has not, in due time, executed the order on medical examination for establishing the influence of alcohol, narcotic, psychotropic, toxic or other intoxicating substances;

6) the official has committed such disciplinary offence for which an admonishment has already been expressed to him or her within the last year.

[*16 September 2010; 22 March 2012*]

**Section 11. Substantial Property Loss or Substantial Harm**

(1) If property loss which has been suffered as a result of a disciplinary offence and the amount of which at the time of committing the disciplinary offence exceeds the total of five minimum monthly wages specified in the State at that time shall be considered as a substantial property loss.

(2) Personal harm inflicted as a result of a disciplinary offence which cannot be eliminated by addressing the direct consequences of the respective disciplinary offence shall be considered as a substantial personal harm.

(3) Harm inflicted upon important State or societal interests as a result of a disciplinary offence which cannot be eliminated by addressing the direct consequences of the respective disciplinary offence shall be considered as a substantial harm to the State.

**Section 12. Joining and Splitting of Disciplinary Matters**

(1) Disciplinary matters for several disciplinary offences committed by one official may be joined together into one disciplinary matter. The procedural time periods which were applied to the first initiated disciplinary matter shall be applicable to the joined disciplinary matter.

(2) A disciplinary matter for a disciplinary offence committed by several officials may be split into several disciplinary matters, if such splitting is necessary and does not harm the correct and timely investigation of the disciplinary matter.

(3) A decision to join disciplinary matters or to split a disciplinary matter shall be taken by the officials referred to in Section 16, Paragraph three of this Law by justifying the necessity of the joining or splitting.

**Section 13. Disciplinary Punishments**

(1) The purpose of the disciplinary punishment is to punish the guilty official and to achieve that he or she and other officials would comply with the service discipline and refrain from committing disciplinary offences.

(2) The following disciplinary punishments may be imposed on the official:

1) a reproof;

2) a reprimand;

3) reduction of the monthly salary by 10–20 per cent from the monthly salary for a time period from one to six months;

4) demotion in service rank for one rank for a time period from six months to one year;

5) demotion in position;

6) retirement from service.

(3) [4 October 2018]

[*16 September 2010; 4 October 2018*]

**Section 13.1 Admonishment**

(1) If the official has committed a disciplinary offence, but this offence is insubstantial or has not caused unfavourable consequences, the higher official may express an admonishment to him or her without initiating a disciplinary matter or by taking a decision to terminate the disciplinary matter. Explanation is requested from the official before expressing an admonishment.

(2) The admonishment shall be expressed in written form (also in the manner of a resolution) by indicating the act or failure to act having the features of a disciplinary offence, and the infringed legal norm, and the official to whom the admonishment is expressed shall be informed thereon.

(3) Admonishment is not a disciplinary punishment.

(4) Copy of the document in which the written admonishment is expressed shall be appended to the personal file.

[*16 September 2010*]

**Section 14. Right of the Official to Impose Disciplinary Punishments**

The respective Minister, head of the Institution or his or her authorised official is entitled to impose disciplinary punishments.

[*22 March 2012*]

**Section 15. General Provisions for the Imposition of a Disciplinary Punishment**

(1) When imposing a disciplinary punishment, the following shall be considered:

1) the circumstances in which the disciplinary offence was committed;

2) nature of the disciplinary offence;

3) losses and harm caused by the disciplinary offence;

4) form of guilt of the official;

5) circumstances mitigating the liability;

6) circumstances aggravating the liability;

7) considerations regarding the usefulness of the imposition of a disciplinary punishment (whether the offence is insubstantial, it has caused unfavourable consequences);

8) proportionality of the disciplinary punishment to be imposed with the committed disciplinary offence.

(2) The disciplinary punishment – reproof – shall not be imposed if circumstances aggravating the liability for a disciplinary offence have been established, except the aggravating circumstance provided for in Section 10, Clauses 4 and 6 of this Law.

(3) The disciplinary punishment – reprimand – shall not be imposed if more than one circumstance aggravating the liability for a disciplinary offence which has been provided for in Section 10, Clause 1, 3, or 4 of this Law has been established or an intentional disciplinary offence as a result of which substantial property loss or substantial harm has been caused, has been committed.

(4) If the circumstance aggravating the liability for a disciplinary offence provided for in Section 10, Clause 5 of this Law has been established, the disciplinary punishment – retirement from service – shall be imposed.

[*16 September 2010; 22 March 2012*]

**Section 16. Initialisation of a Disciplinary Matter**

(1) A disciplinary matter shall be initiated if the following circumstances exist concurrently:

1) act or failure to act has features of a disciplinary offence;

2) the service relationship with the official has not ended;

3) not more than two years have passed since committing the disciplinary offence.

(2) A disciplinary matter shall be initiated not later than within a month after receipt of the information on the facts or the institution itself has detected facts indicating the possible commitment of a disciplinary offence.

(3) A disciplinary matter may be initiated by:

1) the head of the institution or his or her authorised official to which the official against whom the disciplinary matter has been brought is subordinated;

2) the head of the higher institution or the respective Minister.

(4) If criminal prosecution of the official has been initiated for the same offence for which there are grounds to initiate a disciplinary matter, it might be initiated within a month after receipt of the decision to terminate criminal proceedings, or the public prosecutor’s penal order on the sanction or the court judgment in the criminal case has entered into effect, if not more than three years have passed since committing the disciplinary offence.

[*16 September 2010*]

**Section 17. Decision to Initiate a Disciplinary Matter**

(1) The following shall be indicated in the decision to initiate a disciplinary matter:

1) the name and address of the Institution;

2) the given name, surname, and position of the official against whom the disciplinary matter has been brought;

3) the act or failure to act having the features of a disciplinary offence;

4) the legal norm which might be violated;

5) the person investigating the disciplinary matter.

(2) The official shall be, without delay, made acquainted with the decision to initiate a disciplinary matter, and a written explanation on his act or failure to act having the features of a disciplinary offence and other circumstances to be established in the disciplinary matter shall be requested from him or her.

(3) The head of the Institution, higher institution and respectively the Ministry of the Interior or the Ministry of Justice shall be informed on the initiated disciplinary matter.

(4) A decision to initiate a disciplinary matter is not an administrative act, and it shall not be subject to the procedures for the contesting and appeal of decisions provided for in this Law.

[*16 September 2010; 22 March 2012*]

**Section 18. Investigation of a Disciplinary Matter**

(1) The official of the Institution or the officials to whom investigation of the disciplinary matter has been assigned according to a decision of the officials referred to in Section 16, Paragraph three of this Law shall investigate the disciplinary matter. A commission may be formed for investigating the disciplinary matter.

(2) The following officials are prohibited to investigate a disciplinary matter:

1) [16 September 2010];

2) the official who is the subordinate of the persons involved in the potential disciplinary offence or event (including witnesses);

3) the official who is in a relationship of kinship up to the third degree or in a relationship of affinity up to the second degree with the official against whom the disciplinary matter is to be brought, and also his or her spouse;

4) the official who is the eyewitness of the potential disciplinary offence or event;

5) the official for whom a conflict of interests has arisen or might arise within the specific disciplinary matter;

6) the official who has a direct or indirect personal interest in the outcome of the disciplinary matter, or there are other circumstances creating reasonable doubt regarding his or her objectivity.

(3) When investigating a disciplinary matter, the person investigating the disciplinary matter shall establish all actual and legal circumstances necessary for taking a legal and useful decision, including:

1) whether a disciplinary offence has been committed;

2) whether the official is responsible for committing the disciplinary offence;

3) circumstances and nature of the committed disciplinary offence;

4) losses and harm caused by the disciplinary offence;

5) whether the circumstances excluding disciplinary liability exist;

6) form of guilt of the official;

7) the circumstances aggravating and mitigating the liability.

(4) In order to establish the actual and legal circumstances of the matter, the person investigating the disciplinary matter shall request from the institutions, officials and, if necessary, natural persons the necessary explanations and other information or documents.

(41) The official has an obligation to provide explanation of the circumstances to be established in the disciplinary matter not later than within five working days or within the time period indicated by the person investigating the disciplinary matter.

(5) After investigation of a disciplinary matter the person investigating it shall establish the conformity of the substantial actual circumstances of the matter with the legal circumstances and shall prepare a decision to impose a disciplinary punishment or to terminate the disciplinary matter.

(6) All documents and information based on which the decision to impose a disciplinary punishment or to terminate the disciplinary matter has been taken shall be included and stored in the disciplinary file.

[*16 September 2010; 22 March 2012*]

**Section 19. Suspension of an Official from the Performance of Official Duties for the Time of Investigating a Disciplinary Matter**

(1) The respective Minister, the head of the Institution or his or her authorised official may suspend an official from the performance of official duties for the time of investigation of the disciplinary matter, retaining work remuneration for him or her.

(2) When issuing an order on suspension of the official from the performance of official duties for the time of investigating the disciplinary matter, the respective Minister, the head of the Institution or his or her authorised official may assign other duties to the official within this time period which are not related to his or her direct official duties and the performance of which does not interfere with the interests of the investigation of the disciplinary matter.

[*22 March 2012; 15 November 2012*]

**Section 20. Time Periods for Investigation of a Disciplinary Matter**

(1) A disciplinary matter shall be investigated and the decision to impose a disciplinary punishment or to terminate the disciplinary matter shall be taken within one month after initiation thereof.

(2) If, due to objective reasons, it is impossible to comply with the time period of one month, the time period for investigation of a disciplinary matter may be extended for up to three months according to a reasoned decision of the official referred to in Section 16, Paragraph three of this Law. The official against whom the disciplinary matter has been brought shall be made acquainted with the decision.

(3) The time period for the incapacity for work, leave or official travel of the official against whom the disciplinary matter has been brought shall not be included in the time period for investigation of a disciplinary matter.

(4) If criminal proceedings have been initiated against the official or criminal prosecution of the official has been initiated for the same offence for which a disciplinary matter has been initiated, the investigation of the disciplinary matter may be stayed in order to comprehensively and completely determine the facts of the disciplinary offence. The investigation of a disciplinary matter shall be renewed within one month after the day when the decision to terminate criminal proceedings has been received, or the public prosecutor’s penal order on the sanction or the court judgment in criminal proceedings has entered into effect, if not more than three years have passed since committing the disciplinary offence.

(5) [16 September 2010]

[*16 September 2010*]

**Section 21. Taking of a Decision**

(1) The decision to impose a disciplinary punishment or to terminate the disciplinary matter shall be taken by:

1) the head of the Institution or his or her authorised official to which the official against whom the disciplinary matter has been brought is subordinated;

2) the head of the higher institution or the respective Minister.

(2) If the official has been transferred to another institution within the system of the Ministry of the Interior, the Minister for the Interior may take a decision to impose a disciplinary punishment for a disciplinary offence which the official has committed while holding the previous positions.

(3) The decision to impose a disciplinary punishment or to terminate the disciplinary matter shall be taken also when the service relationship with the official has ended.

(4) The following shall be indicated in the decision to terminate the disciplinary matter:

1) the name and address of the institution;

2) the given name, surname and position of the official against whom the disciplinary matter has been brought;

3) the fact of the disciplinary offence and the infringed legal norm;

4) the person investigating the disciplinary matter;

5) the justification for termination of the disciplinary matter;

6) justification and date of the end of service relationship – in the case referred to in Paragraph three of this Section;

7) that an admonishment has been expressed to the official, if no disciplinary matter has been initiated, but it is established that the offence is insubstantial or has not caused unfavourable consequences.

(5) The decision taken shall be sent by the Institution to the head of the Institution, higher institution and respectively to the Ministry of the Interior or Ministry of Justice in accordance with the procedures stipulated by the respective Minister.

(6) The decision to terminate the disciplinary matter shall be notified to the official referred to in Paragraph four, Clause 2 of this Section.

(7) The decision to impose a disciplinary punishment is an administrative act.

[*16 September 2010*]

**Section 22. Summary Procedures**

[16 September 2010]

**Section 22.1 Summary Procedures**

(1) The decision to impose a disciplinary punishment may be taken without initiating a disciplinary matter (summary procedures), if the circumstances provided for in Section 15, Paragraph one of this Law can be established without investigation of the disciplinary matter and it is found that there are no grounds for imposition of any of the disciplinary punishments specified in Section 13, Paragraph two, Clause 3, 4, 5 or 6 of this Law.

(2) Only the disciplinary punishments – reproof or reprimand – may be imposed within the summary procedures.

(3) Within the summary procedures the decision to impose a disciplinary punishment shall be taken by complying with the conditions provided for in Section 16, Paragraphs one and two of this Law.

(4) Within the summary procedures a written explanation shall be requested from the official who has committed the disciplinary offence by indicating the infringed legal norm and the act or failure to act having the features of a disciplinary offence. The official has an obligation to provide explanations on the committed disciplinary offence within the time period indicated in the request, but not later than within three working days.

(5) Within the summary procedures the following shall be indicated in the decision to impose a disciplinary punishment:

1) the given name, surname and position of the official who has committed the disciplinary offence;

2) the act or failure to act of the official which has manifested as a disciplinary offence;

3) the legal norm which has been infringed with the respective act or failure to act and with which the official should have complied in conformity with his or her competence;

4) the circumstances aggravating and mitigating the liability;

5) the proportionality of the imposed disciplinary punishment with the disciplinary offence committed;

6) the disciplinary punishment imposed;

7) information on where and in which time period this decision may be contested.

[*22 March 2012*]

**Section 23. Takeover of a Disciplinary Matter**

(1) At any stage of examining a disciplinary matter the head of the Institution or the respective Minister may, upon his or her own initiative, take it over from a lower official.

(2) The justification for the takeover of a disciplinary matter shall be indicated in the decision to take over the disciplinary matter.

(3) When taking the decision to take over a disciplinary matter, the head of the Institution or the respective Minister shall appoint a person investigating the disciplinary matter and shall acquaint the official against whom the disciplinary matter has been brought with the decision to take over the disciplinary matter. The respective Minister or the institution that has taken over the disciplinary matter shall investigate it and take a decision to impose a disciplinary punishment or terminate the disciplinary matter in accordance with the procedures laid down in this Law.

(4) If a disciplinary matter has been taken over from another institution, the decision to impose a disciplinary punishment or to terminate a disciplinary matter shall be taken within the time period which has been established by counting from the day when the decision to take over the disciplinary matter has been taken, but not later than within four months, and within three working days shall be sent to the official who initiated the disciplinary matter.

**Section 24. Entering into Effect of the Decision to Impose a Disciplinary Punishment**

(1) The decision to impose a disciplinary punishment shall enter into effect at the time when the official is notified thereof, except in the case specified in Paragraph two of this Section.

(2) If the decision to impose a disciplinary punishment provides for the imposition of the disciplinary punishment – retirement from service – this decision shall enter into effect within the time period specified therein.

**Section 25. Contesting or Appeal of the Decision to Impose a Disciplinary Punishment**

(1) The decision to impose a disciplinary punishment may be contested before a higher institution within one month after entering into effect of the decision. A decision taken by another official of the Institution may be contested by submitting the respective submission to the head of the Institution.

(2) If the decision to impose a disciplinary punishment has been taken by the respective Minister or the Secretary of State of the Ministry of the Interior or Ministry of Justice, it may be appealed before a court in accordance with the procedures laid down in the Administrative Procedure Law within one month after entering into effect of the decision.

(3) The judgment of the district administrative court on imposition of the disciplinary punishment – reproof or reprimand – may be appealed by submitting a cassation complaint to the Department of Administrative Cases of the Supreme Court Senate.

[*22 March 2012*]

**Section 26. Execution of the Decision to Impose a Disciplinary Punishment**

(1) The contesting or appeal of the decision to impose a disciplinary punishment shall not suspend its execution.

(2) The decision to impose a disciplinary punishment which provides for the imposition of the disciplinary punishment specified in Section 13, Paragraph two, Clause 6 of this Law shall be executed immediately after its entering into effect.

(3) Execution of the decision to impose a disciplinary punishment shall be terminated if service relationship with the official has ended.

(4) Execution of the decision to impose a disciplinary punishment shall be renewed if within a year after ending of the service relationship the official is accepted into service and is appointed to office in the same or another Institution.

(5) The official shall be considered as disciplinarily unpunished, if within a year after imposition of the disciplinary punishment or the day when enforcement of the disciplinary punishment has ended he or she has not committed a new disciplinary offence.

(6) If the disciplinary punishment – reproof – has been imposed, the official shall be considered as disciplinarily unpunished, if within three months after imposition of a disciplinary punishment he or she has not committed a new disciplinary offence.

(7) The official shall not be promoted during the period of validity of the disciplinary punishment.

(8) Copies of the decisions taken on termination of a disciplinary matter, imposition of a disciplinary punishment, or termination of enforcement of a disciplinary punishment, or on renewal thereof shall be appended to the personal file of the official.

[*22 March 2012*]

**Transitional Provisions**

1. Section 26, Paragraphs five, six, and seven of this Law shall not be applied to disciplinary offences committed until 1 October 2006.

2. Disciplinary inspections commenced until 1 October 2006 shall be completed and, if necessary, a disciplinary punishment shall be imposed in accordance with the provisions that were in force until 1 October 2006.

This Law shall come into force on 1 October 2006.

This Law has been adopted by the *Saeima* on 15 June 2006.

Acting for the President, Chairperson of the *Saeima* I. Ūdre

Riga, 30 June 2006